

## Assembly Bill No. 1449

### CHAPTER 577

An act to amend Section 5443 of the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor September 28, 2003. Filed  
with Secretary of State September 29, 2003.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1449, Firebaugh. Outdoor advertising.

Existing provisions of the Outdoor Advertising Act regulate the placement of off-premise advertising displays along highways, which generally are displays advertising business conducted or services rendered or goods produced or sold at a location other than the property upon which the display is located. The act generally prohibits advertising displays along landscaped freeways, but provides specific exemptions from that prohibition for displays in certain communities. The act does not prohibit a governmental entity from entering into a relocation agreement or the Department of Transportation from allowing any legally permitted advertising display to be increased in height at its permitted location if a noise attenuation barrier has been erected in front of the display and the relocation of the display or increase in height of the display would not cause a reduction in federal aid highway funds.

This bill would instead allow a relocation agreement or increase in height for an advertising display if a noise attenuation barrier is erected in front of the display or if a building, construction, or structure, including a bridge, overpass, or underpass, has been or is being erected by a governmental entity that obstructs the display's visibility within 500 feet. The bill would require an advertising display relocated under these provisions to comply with the existing written permit process.

*The people of the State of California do enact as follows:*

SECTION 1. Section 5443 of the Business and Professions Code is amended to read:

5443. Nothing in this article prohibits either of the following:

- (a) Any county from designating the districts or zones in which advertising displays may be placed or prohibited as part of a county land use or zoning ordinance.
- (b) Any governmental entity from entering into a relocation agreement pursuant to Section 5412 or the department from allowing

any legally permitted display to be increased in height at its permitted location or to be relocated if a noise attenuation barrier is erected in front of the display or if a building, construction, or structure, including, but not limited to, a barrier, bridge, overpass, or underpass, has been or is then being erected by any government entity that obstructs the display's visibility within 500 feet of the display and that relocated display or that action of the department would not cause a reduction in federal aid highway funds as provided in Section 131 of Title 23 of the United States Code or an increase in the number of displays within the jurisdiction of a governmental entity which does not conform to this article. Any increase in height permitted under this subdivision shall not be more than that necessary to restore the visibility of the display to the main-traveled way. An advertising display relocated pursuant to this subdivision shall comply with all of the provisions of Article 6 (commencing with Section 5350).

